

NO. 24740

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

IN THE MATTER OF THE ESTATE OF SAMUEL M. DAMON, Deceased
(PROBATE NO. 6664)

TRUST CREATED UNDER THE WILL OF SAMUEL M. DAMON, Deceased
(EQUITY NO. 2816-A)

APPEAL FROM THE FIRST CIRCUIT COURT
(PROBATE NO. 6664 and EQUITY NO. 2816-A)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramiel, and Acoba, JJ.)

Upon review of the record, it appears that as to Equity No. 2816-A, the November 6, 2001 judgment finally determined the petitions for which the judgment was entered, but did not finally conclude Equity No. 2816-A. The November 6, 2001 judgment was not certified for appeal pursuant to HRCF 54(b) and absent such certification, the appeal of the judgment is premature as to Equity No. 2816-A and we lack jurisdiction. See HPR 34(a) and (d); HRS § 641-1(a). As to Probate No. 6664, the November 6, 2001 judgment is not a final judgment closing Probate No. 6664 entered pursuant to HPR 34(c). Absent certification of the November 6, 2001 judgment under HRCF 54(b) or entry of a final judgment closing Probate No. 6664, the appeal of the November 6, 2001 judgment is premature as to Probate No. 6664 and we lack jurisdiction. See HPR 34(a), (c) and (d); HRS § 641-1(a). Therefore,

IT IS HEREBY ORDERED that the appeals by appellants Harriet Baldwin, et al., appellants Joan Haig and Wendy Haig, appellants Michael Haig, Brendan Mesker and John Damon, and appellant Christopher Haig are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, May 30, 2002.